UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,595	02/12/2002	Yoshikazu Aoki	122.1487	4322

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HO, ANDY

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to the request for reconsideration filed

9/28/2007.

2. Claims 1-18 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Devins U.S Patent No. 6,762,761 in view of Matsumoto U.S

Patent No. 5,835,765.

As to claim 1, Devins teaches a method of controlling operation in a

computer system (Fig. 4), comprising:

various operation statuses of the computer system (sequence of

computer-executable instructions, line 1 column 4) in which an operation status

represents what process is currently under execution (...contain status

information relating to graphics operations performed by the accelerator under

the control of instructions in a captured program...,lines 15-20 column 5),

according to changes in the operation status (...monitor the status register 100 in

accelerator 30, and delay execution of instructions in memory 20 until the status

register contains specified status information..., lines 64-67 column 3), and

storing the operation statuses in a memory section within the computer system

(instructions stored in memory 20, line 48 column 3);

recognizing a predetermined operation status of the computer system

(specified status information is present in status register 100, line 52 column 3),

depending on whether a predetermined operation status exists within the

memory section or not (executable instructions stored within the memory ready

to be executed when the status is ready, line 58 column 3 to line 7 column 4);

and

controlling the operation in according to a result of the recognition (the

system executes the instruction when the DLP 25 recognizes specified status

information within the status register, line 58 column 3 to line 7 column 4),

thereby automatically starting a job, determined based on the recognized

operation status (recognizes specified status information, line 58 column 3 to line

7 column 4), that can be executed (to cause the captured programs to execute,

line 52 column 2) in the operation status of the system after the operation status

has been recognized (responsively to the status information, line 53 column 2).

Devins does not explicitly teach controlling the operating of an operating

system. However, Devins teaches (lines 59-63 column 8) the system of the

invention is implemented within an operating system. Matsumoto teaches (lines

16-33 column 1) a system of computer operation management system wherein

an operating system is being instructed to execute programs. It would have been

obvious at the time the invention was made to a person of ordinary skill in the art

to have modified Devins reference to include the teachings of Matsumoto

reference because by controlling operation of an operating system, the system

could run programs within a computer system, as disclosed by Matsumoto (lines

16-33 column 1).

Devins further does not explicitly teach storing operation statues as files.

Matsumoto teaches (lines 51-67 column 2) a system of computer operation

management system wherein operation statuses of running application programs

are stored as log files. It would have been obvious at the time the invention was

made to a person of ordinary skill in the art to have modified Devins reference to

include the teachings of Matsumoto reference because by storing operation

status of running application programs as log files, the system could control the

execution of a running application program, as disclosed by Matsumoto (lines 51-

67 column 2).

As to claim 2, Devins as modified further teaches the control of the

operation of the operating system is for starting a predetermined job (graphics

operations, line 37 column 2).

As to claim 3, Devins as modified further teaches the predetermined job

consists of a plurality of programs (hardware programs of the graphics

operations, lines 35-37 column 2; captured as an executable program on

memory 20, lines 66-67 column 4).

As to claim 4, Devins as modified further teaches the starting of the

predetermined job is determined based on whether a plurality of the files exist or

not within the memory section (executable instructions stored within the memory

ready to be executed when the status is ready, line 58 column 3 to line 7 column

4).

As to claim 5, it is a method claim of claim 4. Therefore, it is rejected for

the same reasons as claim 4 above.

As to claim 6, Devins as modified further teaches each of the files is

provided with an alias (a unique mnemonic identifier, lines 63-64 column 4), and

the operation status of the computer system is recognized based on the alias

(...once captured as an executable program, it can be executed on demand by

specifying its assigned mnemonic. The Execute_Program instruction causes the

DLP 25 to read the hardware instructions corresponding to id stored in memory

20, and issue the instructions to accelerator 30..., line 66 column 4 to line 12

column 5).

As to claims 7-10, they are method claims of claim 6. Therefore, they are

rejected for the same reasons as claim 6 above.

As to claim 11, Devins as modified further teaches changing the

operation status of the computer system based on a starting of the

predetermined job (...fetches instructions in the captured program and issues

them to a graphics accelerator, which executes the instructions to perform

graphics operations. The graphics accelerator includes status registers

containing status information relating to the graphics operations performed by the

accelerator..., lines 41-46 column 2); and starting a second job according to the

changed new operation status of the computer system (ability to cause the

captured programs to execute responsively to the status information allows a

programmer to link graphics operations to specific hardware events represented

by the status information, lines 52-55 column 2).

As to claims 12-15, they are method claims of claim 11. Therefore, they

are rejected for the same reasons as claim 11 above.

As to claim 16, it is a computer program product claim of claim 1.

Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 17, Devins teaches a method of controlling the operation in a

computer system (Fig. 4), the method comprising:

automatically recognizing an operation status of the computer system

(responsively to the status information, line 53 column 2; the system executes

the instruction when the DLP 25 recognizes specified status information within

the status register, line 58 column 3 to line 7 column 4) in which an operation

status represents what process is currently under execution (...contain status

information relating to graphics operations performed by the accelerator under

the control of instructions in a captured program...,lines 15-20 column 5), and

automatically starting the corresponding predetermined job (to cause the

captured programs to execute, line 52 column 2), determined based on the

recognized operation status (recognizes specified status information, line 58

column 3 to line 7 column 4).

Devins does not explicitly teach controlling the operating of an operating

system. However, Devins teaches (lines 59-63 column 8) the system of the

invention is implemented within an operating system. Matsumoto teaches (lines

16-33 column 1) a system of computer operation management system wherein

an operating system is being instructed to execute programs. It would have been

obvious at the time the invention was made to a person of ordinary skill in the art

to have modified Devins reference to include the teachings of Matsumoto

reference because by controlling operation of an operating system, the system

could run programs within a computer system, as disclosed by Matsumoto (lines

16-33 column 1).

As to claim 18, Devins as modified further teaches the predetermined job

is automatically executed in an operation status of the system (the captured

programs to execute, line 52 column 2) after said operation status has been

automatically recognized (responsively to the status information, line 53 column

2; the system executes the instruction when the DLP 25 recognizes specified

status information within the status register, line 58 column 3 to line 7 column 4).

Response to Arguments

4. Applicant's arguments filed 9/28./2007 have been fully considered but

are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to

further view the previous rejection. The Examiner conducted a further search

regarding the issues mentioned in Applicant's response. Therefore, all

arguments regarding the cited references of the previous rejection are moot in

view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.

- NON OFFICAL faxes should not be signed, please send to (571) 273 –

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A.H
December 26, 2007